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2012 JUN 20 PM 3:38

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
RIVERSIDE

BY: _____

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BANK OF AMERICA, N.A.,
SUCCESSOR BY MERGER TO BAC
HOME LOANS SERVICING, LP FKA
COUNTRYWIDE HOME LOANS
SERVICING FOR THE
CERTIFICATE HOLDERS OF BANK
OF NEW YORK MELLON MSF UBS
STABFUND NP,

Case No. EDCV 12-948-UA (DUTYx)

ORDER RE: SUMMARY REMAND
DUE TO IMPROPER REMOVAL

Plaintiff,

v.

SILVIA VALLVE, et al.,

Defendants.

On June 11, 2012, Silvia Vallve, et al., ("Defendants") lodged a Notice Of Removal, a Complaint for unlawful detainer and damages, and an application to proceed *in forma pauperis*. Plaintiff has been sued in a straight-forward unlawful detainer action in the Riverside County Superior Court, Moreno Valley Branch. The Court has denied the aforementioned application under separate cover because this action was not properly removed. As a result, the Court issues this Order to remand the action to state court.

Plaintiff could not have brought this action in federal court based on federal

1 question jurisdiction because the underlying matter is a straight-forward unlawful
2 detainer action. 28 U.S.C. §§ 1331, 1441(a). Further, assuming Defendants intended to
3 claim diversity jurisdiction as a basis for removal, the Court notes Plaintiff in the
4 unlawful detainer action seeks damages which do not exceed the \$75,000 threshold,
5 excluding interest and costs. 28 U.S.C. §§ 1332(a), 1441(b).

6 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the
7 Superior Court of California, Riverside County, Moreno Valley Branch, 13800 Heacock
8 Avenue, Suite D201, Moreno Valley, California 92553, for lack of subject matter
9 jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) that the Clerk send a certified copy of
10 this Order to the state court; and (3) that the Clerk serve copies of this Order on the
11 parties.

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13 **IT IS SO ORDERED.**

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15 DATED: June 18, 2012

Audrey
16 HONORABLE AUDREY B. COLLINS
Chief United States District Judge

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18 Presented by:



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20 HONORABLE OSWALD PARADA
21 United States Magistrate Judge

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